



FEB 14 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Dr. Mark Friedman, Ltd
c/o Bill Polkinghorn - Discovery Dispatch
9003 Florin Way
Upper Malboro, MD 20772

In re Application of	:	
SHKLARSKY, et al.	:	
Application No.: 09/202,617	:	DECISION ON RENEWED
PCT No.: PCT/IL97/00188	:	
Int. Filing Date: 10 June 1997	:	PETITION UNDER
Priority Date: 18 June 1996	:	
Attorney Docket No.: 26/259	:	37 CFR 1.181
For: ADAPTIVE CAPACITY AND QUALITY	:	
IMPROVEMENTS IN CELLULAR RADIO	:	
SERVICES BY THE REMOVAL OF STRONG	:	
INTERFERENCE SOURCES	:	

This is a decision on applicants' "Renewed Petition Under 37 CFR 1.181" filed on 19 November 2001 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 21 September 2001, applicant was mailed a decision dismissing applicant's renewed petition and affording two months in which to file a response.

On 19 November 2001, applicant filed the present renewed petition.

DISCUSSION

The Official Gazette, at 1156 OG 53, provides that a petition requesting relief based on the grounds that an Office action was not received must be accompanied by a statement that (1) the Office action was not received, (2) attests that a search of the file jacket indicates the Office action was not received, (3) attests that a search of counsel's docket records indicates the Office action was not received and (4) the Petition must also be accompanied by copies of the docket records where the non-received Office action would have been entered. (See also, Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

Applicant previously failed to satisfy item (4) above. However, with the present petition applicant has now provided a copy of counsel's docket records for all applications where the non-received Office action would have been entered. In addition, applicant has provided an executed declaration from counsel that he has searched said records to no avail. Applicant has now

Application No.: 09/202,617

2

satisfied all the necessary items.

CONCLUSION

Applicant's Renewed Petition Under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment mailed 09 December 1999 is hereby **VACATED**.

This application is being returned to the DO/EO/US for processing in accordance with this decision, namely, the mailing of a new NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905).



Richard Cole
Legal Examiner
PCT Legal Office



Derek A. Putonen
Petitions Attorney
PCT Legal Office
Tel: (703) 305-0130
Fax: (703) 308-6459